

REMARKS

In response to the Office Action mailed November 2, 2006, Applicants amended claim 1 and added a new claim 32 dependent from the amended claim 1. Claims 1-32 are pending with claims 3-5, 7, 9-13, 17 and 25-31 currently being withdrawn from consideration.

The Examiner rejected claims 1, 2, 6, 8, 14, 16 and 18-24 under 35 U.S.C. §102(b) as being anticipated by Kamiya et al., U.S. Patent No. 5,192,301 ("Kamiya").

As amended, claims 1, 2, 6, 8, 14, 16 and 18-24 cover compositions that include a first **collection** of particles having a first shape and a second **collection** of particles having a second shape different than the first shape. Kamiya never discloses such compositions. Instead, while Kamiya discloses various embodiments of plugs (see, e.g., Kamiya Figs. 1-29), he discloses using only a single plug for his intended purpose. (See, e.g., id. col. 1, lines 11-14, col. 2, lines 37-60 and col. 8, lines 65-68.) Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner provisionally rejected claims 1, 2, 6, 8, 14, 16, and 18-24 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-37 of copending USSN 10/791,103. Without conceding that this rejection is appropriate, because USSN 10/791,103 is still pending, Applicants request the Examiner to hold in abeyance the provisional obviousness-type double patenting rejections of claims 1, 2, 6, 8, 14, 16, and 18-24. (See MPEP §804.)

The Examiner rejected claims 1, 2, 6, 8, 14, 16 and 18-24 under 35 U.S.C. §112 ¶ 2 "as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention." (Office Action at 3.) However, the Examiner did not explain the particular basis for this rejection. Applicants thus request clarification or withdrawal of the rejection.

Applicants believe the application is in condition for allowance, which action is requested.

Applicant : Bell et al.
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Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

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